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SUMMONS

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CCG N001-10M-1-07-05 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

(Name all parties)

DEBRA M. BRAND

v.

THE AMERITECH SICKNESS AND ACCIDENT
DISABILITY BENEFIT PLAN

SUMMONS

07 CH 37412

No. _____

Please serve:
AT&T Corp.
C T Corporation System
208 South La Salle Street
Suite 814
Chicago, IL 60604

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 802, Chicago, Illinois 60602
- | | | |
|--|---|---|
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 35337
Name: Belofsky & Belofsky, P.C.
Atty. for: Plaintiff
Address: 33 North Dearborn Street, Suite 2330
City/State/Zip: Chicago, IL 60602
Telephone: 312.759.3737
Service by Facsimile Transmission will be accepted at: _____

WITNESS, _____

Date of service: _____
(To be inserted by officer on copy left with defendant or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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 SUMMONS

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CCG N001-10M-1-07-05 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, CHANCERY DIVISION

(Name all parties)

DEBRA M. BRAND

v.

THE AMERITECH SICKNESS AND ACCIDENT
 DISABILITY BENEFIT PLAN

SUMMONS

97 CH 37412
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Atty. No.: 35337

Name: Belofsky & Belofsky, P.C.

Atty. for: Plaintiff

Address: 33 North Dearborn Street, Suite 2330

City/State/Zip: Chicago, IL 60602

Telephone: 312.759.3737

Service by Facsimile Transmission will be accepted at: _____

WITNESS, 18 2007

DOROTHY BROWN
 CLERK OF CIRCUIT COURT

Clerk of Court

Date of service: _____

(To be inserted by officer on copy left with defendant
 or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

Debra M. Brand,

Plaintiff,

v.

The Ameritech Sickness and Accident
Disability Benefit Plan,

Defendant.

Case No.
07 CH 37412

COMPLAINT

Plaintiff, Debra M. Brand, for her Complaint against Defendant, the Ameritech Sickness and Accident Disability Benefit Plan, states as follows:

1. Debra M. Brand ("Brand") is a resident of Lake County, Illinois. Venue is proper in Cook County because the Defendant is doing business in that county and because all or some part of the transactions out of which Brand's claims arose occurred in that county.
2. The Ameritech Sickness and Accident Disability Benefit Plan (the "Plan") is a welfare benefit plan within the meaning of Section 3(1) of the Employment Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. §1002(1).
3. Brand is and at all times relevant to this Complaint was a beneficiary of the Plan within the meaning of Section 3(8) of ERISA, 29 U.S.C. § 1002(1), and is authorized by Section 502(a)(1)(B) of ERISA, 29 U.S.C. § 1132(a)(1)(B), to recover the benefits to which she is due under the terms of the Plan and to enforce her rights to such benefits under the terms of the Plan.
4. This Court has jurisdiction over this action pursuant to Section 502(e)(1) of ERISA, 29 U.S.C. § 1132(e)(1).

5. Brand suffers from diabetes. Her diabetic condition caused her to suffer from painful venous insufficiency and varicose veins in both of her legs. In 2006, her doctor recommended that she undergo surgical vein stripping procedures on both of her legs to alleviate the painful conditions in them. She underwent a vein stripping procedure on her right leg on March 2, 2006. She underwent a vein stripping procedure on her left leg as well as a procedure on her right ankle on April 13, 2006.

6. As noted by the report submitted by Brand's surgeon in connection with her claim for disability benefits, her diabetic condition caused a slower healing process.

7. As a result of her March 2, 2006 and April 13, 2006 surgical procedures, Brand was "disabled," as that term is defined in the Plan, and unable to work from March 9, 2006 through May 28, 2006.

8. Brand timely applied for disability benefits under the Plan as a result of her March 2, 2006 and April 13, 2006 surgical procedures.

9. The Plan approved and paid disability benefits from March 9, 2006 through March 16, 2006 due to the surgical procedure of March 2, 2006.

10. The Plan denied disability benefits from March 17, 2006 through April 12, 2006 due to the surgical procedure of March 2, 2006.

11. The Plan approved and paid disability benefits from April 13, 2006 through May 21, 2006 due to the surgical procedure of April 13, 2006.

12. The Plan denied disability benefits from May 22, 2006 through May 29, 2006 due to the surgical procedure of April 13, 2006.

13. Brand timely appealed the denial of disability benefits from March 17, 2006 through April 12, 2006 and from May 22, 2006 through May 29, 2006.

14. The Plan denied Brand's appeal on August 30, 2006.

15. The Plan's denial of disability benefits to Brand was arbitrary and capricious because the Plan failed to take Brand's diabetic condition into account in evaluating her disability and because the Plan failed to consider or provide reasonable accommodations for Brand's medical condition from March 17, 2006 through April 12, 2006 and from May 22, 2006 through May 29, 2006.

WHEREFORE, Plaintiff, Debra M. Brand, respectfully prays that she be granted judgment in her favor and against Defendant, the Ameritech Sickness and Accident Disability Benefit Plan, as follows:

A. That the Court find, declare, adjudge and decree that Brand is entitled to disability benefits from March 17, 2006 through April 12, 2006 and from May 22, 2006 through May 29, 2006, and award her the amount of such benefits;

B. That Brand be awarded prejudgment interest on the amount of such benefits she should have heretofore received;

C. That Brand be awarded her reasonable attorneys' fees and costs incurred in bringing this action pursuant to Section 502(g)(1) of ERISA, 29 U.S.C. § 1132(g)(1); and

D. That Brand be awarded such other and further relief as she may be entitled to receive under the terms of the Plan and the material provisions of ERISA.

DEBRA M. BRAND

By: 

One of her attorneys

David A. Belofsky
Douglas M. Belofsky
Lance R. Minor
Belofsky & Belofsky, P.C.
33 North Dearborn Street
Suite 2330
Chicago, Illinois 60602
Phone (312) 759-3737
Attorney No. 35337